IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5309 OF 2005

Sudhagad Education Society.... Petitioner

versus

Ingole Laxman Shankar & ors..... Respondent.

Mr. Mandar Limaye for the petitioner
Mr. Laxman Bedekar h/f V.S.Deokar for the respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 11TH JUNE, 2007

P.C.;

1. The petitioner,which is a society administering a secondary school, questions the correctness of the judgment and order passed by the school tribunal allowing an appeal fild by the respondent teacher which in turn challege the order of termination. The respondent no.1 was appointed as Assistant teacher in the year 1997, and continued to serve as such till 17-3-2004. Aggreieved by the termination the respondent filed an appeal. The very initial order of appointment goes to appoint the respondent as Assistant teacher for a period of two years with effect fronm 16-6-1997. The said appointment has been construed by the Tribunal as an appointment on probation and having held that the respondent was a permanent employee at the time of termination, the appeal has been allowed. It is undisputed that termination from service is without holding an enquiry. Thus the triabunal has found that the termination of the respondent was illegal.

2. During pendency of this petition, the petitioner was already reinstated and paid the backwages as granted by the tribunal. Perused the judgment and order passed by the tribunal. The same does not suffer from any illegality. Hence writ petition is summarily dismissed.

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